

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the present amendment and in light of the following discussion, is respectfully requested.

Claims 2, 3, 5-8, and 15-22 are pending. In the present amendment, Claims 6-8 are currently amended, Claim 4 is canceled without prejudice or disclaimer, and new Claims 21 and 22 are added. Claims 6-8 are hereby amended to include the subject matter from canceled Claim 4. Additionally, support for the further amendments to Claims 7 and 8 can be found in the original specification, for example, at page 28, lines 11-27, at page 31, lines 12-26, and in Figures 18 and 23. Support for new Claims 21 and 22 can be found in the original specification, for example, at page 24, lines 11-19. Thus, it is respectfully submitted that no new matter is added.

In the outstanding Office Action, Claim 4 was rejected under 35 U.S.C. § 102(b) as anticipated by Fukushi (Japanese Publication No. 49-12112); Claim 7 was rejected under 35 U.S.C. 103(a) as unpatentable over Fukushi in view of Yutaka (Japanese Publication No. 08-244795); Claim 8 was rejected under 35 U.S.C. § 103(a) as unpatentable over Fukushi in view of Cvacho (U.S. Patent No. 3,269,642); Claim 4 was rejected under 35 U.S.C. § 103(a) as unpatentable over Fukushi in view of Ichiro (Japanese Publication No. 02-242750); Claim 7 was rejected under 35 U.S.C. 103(a) as unpatentable over Fukushi in view of Ichiro and further in view of Yutaka; Claim 8 was rejected under 35 U.S.C. § 103(a) as unpatentable over Fukushi in view of Ichiro, and further in view of Cvacho; Claim 4 was rejected under 35 U.S.C. § 103(a) as unpatentable over Fukushi in view of Ichiro and Anonymous (Japanese Publication No. 53-72610); Claim 7 was rejected under 35 U.S.C. 103(a) as unpatentable over Fukushi in view of Ichiro and Anonymous; Claim 8 was rejected under 35 U.S.C. § 103(a) as unpatentable over Fukushi in view of Ichiro and and

Anonymous; Claims 2, 3, 5, and 15-20 were allowed; and Claims 6 and 7 were objected to, but indicated as including allowable subject matter.

Applicants acknowledge with appreciation the indication of allowed and allowable subject matter in the claims. In response, allowable Claim 6 is hereby rewritten in independent form to include the subject matter from canceled independent Claim 4. Accordingly, it is respectfully requested that Claim 6 be allowed.

As Claim 4 is hereby canceled without prejudice or disclaimer, it is respectfully submitted that the rejections of Claim 4 are moot and should be withdrawn.

In response to the rejections of Claims 7 and 8, Applicants respectfully request reconsideration of these rejections and traverse these rejections, as discussed below.

Claim 7 is hereby rewritten in independent form. Further, amended Claim 7 recites, in part, “a projection for creating a level difference is provided across a centerline of each of the side faces below an upper end output opening and each of the projections is depressed from the respective side face towards an inside of the gusset bag.” As can be seen in the exemplary embodiment shown in Figure 18, the projections are arranged on the side faces in such a manner that each projection crosses a centerline of the folded back portion of the side face. Further, the projection is pressed into the side face to create a level difference.¹

In each of the rejections of Claim 7, the Office Action equates the plate 9 of Yutaka to the claimed projection. However, as can be seen in Figure 2 of Yutaka, the plate is an insert that is not a part of the side face 3 of the bag 1 described in Yutaka. Further, the plate is inserted on the outside of the side face 3, and thus is not “depressed from the respective side face towards an inside of the gusset bag.” Therefore, the plate 9 of Yutaka is not the claimed projection. Further, none of the other cited references (Fukushi, Ichiro, and Anonymous)

¹ See the original specification, for example, at page 28, lines 11-27 and in Figure 18.

cure this deficiency of Yutaka. Thus, it is respectfully requested that the rejections of Claim 7 be withdrawn.

Claim 8 is also hereby rewritten in independent form. Further, amended Claim 8 recites, in part, that “each of the side faces has a vertical fin-like rib projecting on an outer side thereof along a centerline thereof and the vertical fin-like rib has a triangular shape such that a width of the side face at a lower end of the vertical fin-like rib is larger than a width of the side face at a top of the vertical fin-like rib.” As can be seen in the exemplary embodiment shown in Figure 23, because the triangular rib decreases in width in the downward direction, when the gusset bag is opened, the width of the side face at the top edge of the bag is smaller than a width of the side face at the lower end of the rib, thereby allowing the opening on the upper end of the bag to be maintained more efficiently.²

In each of the rejections of Claim 8, the Office Action equates the edge of the seam 39 of Cvacho to the claimed vertical fin-like rib. However, as can be seen in Figure 1 of Cvacho, the seam appears to have a rectangular shape, not triangular. Further, as can be seen in Figure 8 of Cvacho, the side face appears to be wider at the top of the bag than at the lower edge of the seam 39, and thus the opening at the top of the bag is not maintained more efficiently. Therefore, the seam 39 of Cvacho is not the claimed vertical fin-like rib. Further, none of the other cited references (Fukushi, Ichiro, and Anonymous) cure this deficiency of Cvacho. Thus, it is respectfully requested that the rejections of Claim 8 be withdrawn.

New Claims 21 and 22 are hereby added. Support for new Claims 21 and 22 can be found in the original specification, for example, at page 24, lines 11-19. Thus, it is respectfully submitted that no new matter is added. Further, as new Claims 21 and 22 depend on allowed Claim 2, it is respectfully submitted that Claims 21 and 22 should also be allowed.

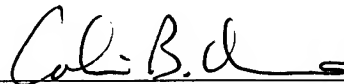
² See the original specification, for example, at page 31, lines 12-26 and in Figure 23.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. A Notice of Allowance is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representative at the below listed telephone number.

Respectfully submitted,

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